

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 23679 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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Whether Reporters of Local Papers
1 may be allowed to see the
judgment ?

2 To be referred to the Reporter or
not ?

3 Whether their Lordships wish to see
the fair copy of the judgment ?

Whether this case involves a
substantial question of law as to
4 the interpretation of the
constitution of India, 1950 or any
order made thereunder ?

5 Whether it is to be circulated to
the civil judge ?

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**CHETANBHAI RAMANBHAI SHARMA THR' HIS POWER OF
ATTORNEY - Petitioner(s)**

Versus

**UNION OF INDIA THR'REGIONAL PASSPORT OFFICER -
Respondent(s)**

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Appearance :

MR PK PAREKH for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
MR JITENDRA MALKAN for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 09/01/2006

ORAL JUDGMENT

1. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ, order and/or directions, directing the respondent authority to issuing passport showing the name of his adoptive father as Chetan Raman Sharma pursuant to the order passed by the 2nd Fast Track Judge, Anand, in Misc.Application No.57 of 2005, dtd.30th July, 2005.

2. The learned counsel for the respondent states that only on the basis of material given by the petitioner the date of birth was recorded in the passport. He further stated that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

3. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or on production of original certificate/s issued by competent authority which may be adduced by the petitioner in support of his case to correct his name showing the name of his adoptive father pursuant to the order passed by the 2nd Fast Track Judge, Anand in Misc. Application No.57 of 2005, dtd.30th July, 2005. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible.

4. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing

correct facts at an earlier point of time, a sum of Rs.5000/-is ordered to be paid by the petitioner to the respondent authority by way of costs.

5.Accordingly, the petition is allowed to the aforesaid extent. Rule is made absolute to the above extent.

6.However, it is clarified that this order is passed on the basis of the order passed by the learned 2nd Fast Track Judge, Anand in Misc.Application No.57 of 2005 dtd.30th July, 2005, without going into the legality and validity of such adoption.

(M.R.SHAH,J.)

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